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SUBJECT: SUDAN: ICC ISSUE DOMINATES ALL OTHERS

REF: PARIS 1285

Classified By: Political Minister-Counselor Kathleen Allegrone, 1.4 (b/d).

¶1. (C) SUMMARY: MFA DAS-equivalent Helene Le Gal said that the possible ICC prosecution of Sudan President Bashir was dominating the Sudan/Darfur debate, reinforced during Sudan FM Deng Alor's July 16 consultations with the French in Paris. This was the only subject he discussed, seeking ways to fend off a prosecution. The French told Deng that Sudan could help itself by taking conciliatory measures, such as compliance with existing warrants against two GOS officials, improving the situation in Darfur, and cooperating with UNAMID. Le Gal said France was discouraged by the strong and unified support Bashir seemed to enjoy within the AU and Arab League and from China and Russia. The French continued to encourage political dialogue between JEM and Khartoum but progress was negligible, and Le Gal said that she feared a renewed JEM offensive, with JEM having regained its strength after its recent attack that reached the environs of Khartoum and that it was now emboldened by the prospect of an ICC indictment of Bashir. END SUMMARY.

¶2. (C) MFA DAS-equivalent for East Africa Helene Le Gal gave an overview on July 17 of Sudan-related issues. She said that the possible ICC prosecution of Bashir now overshadowed all other issues. This was amply demonstrated on July 16 when Sudan Foreign Minister Deng Alor visited Paris to consult with the French before heading to the next Contact Group meeting under the auspices of the Chad-Sudan Dakar Accords. (Le Gal said that Deng might visit London after the Contact Group meeting.) In Paris, the only subject Deng wanted to discuss was the ICC and ways the French could suggest to help "avoid the worst," i.e., an ICC indictment of President Bashir.

¶3. (C) Le Gal said that France, given its support for the ICC, took a circumspect approach with Deng, as it has publicly since the ICC issue first broke. She said that the French told Deng that the best thing Sudan could do, if it chose outright not to cooperate with the ICC, would be to honor two standing ICC warrants for Sudanese officials that Sudan had been ignoring, to improve conditions in Darfur, and to cooperate fully with UNAMID. Such actions could ease pressure on the ICC to act against Bashir as well as improve conditions across the board in Sudan and in Darfur.

¶4. (C) Le Gal said that Deng understood the thrust of the French message but she was not sure what he would do with France's advice. Le Gal said she had the impression that there were two camps forming within the GOS -- one was of course the hardliners who did not want to cooperate with the

ICC at all or even acknowledge that there were problems in Darfur and were reluctant to cooperate with UNAMID, NGOs, or any other outsiders. However, there also seemed to be a more moderate group -- of which Deng seemed to be a member -- that was willing to explore options and perhaps to suggest conciliatory steps. The moderates were in the distinct minority but it was encouraging that at least such a group existed. Its influence, she repeated, was questionable, however.

15. (C) Action by the ICC, while perhaps merited on moral grounds, was not taking place at an opportune moment and could cause the situation on the ground to worsen significantly, Le Gal said. Repeating concerns expressed in reftel, she said that GOS retaliation could take numerous forms, all of which would be very bad -- increased persecution in Darfur, refusal to cooperate with UNAMID and other international efforts, possible expulsion of NGO workers. So far none of this was happening, although the recent fatal attacks against UNAMID (including one just the previous day) were ominous indications, and if such incidents kept occurring or increased, it would not be difficult to interpret them as signs of Sudanese hostility in response to the ICC. Although the French earlier indicated that France might speak to Prosecutor Moreno-Ocampo before the announcement that he would seek an indictment (reftel), France in the end did not do so. First, such an action would likely have had no effect, and second, the GOF did not want to be seen as advocating for Bashir.

16. (C) A further cause for concern was the strong backing

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Bashir seemed to enjoy, with the Arab League and AU quite united in its support for him. President Sarkozy received an earful from several leaders during last weekend's Union for the Mediterranean meeting in Paris, with figures such as Egypt President Mubarak and others expressing strong concern about the ICC's possible indictment of a fellow sitting African/Muslim president. China and Russia also seemed in Bashir's corner. The situation was very different from the case of Zimbabwe, where several African nations, for example, Burkina Faso, broke ranks and opposed Mugabe. In Sudan's case, it was only "the West" that actively opposed Bashir. This alignment and the unity displayed by the Arab League and AU only increased the impression that "the West" was out to get Bashir, which only strengthened his resolve and that of his supporters.

17. (C) Meanwhile, Le Gal said that France was continuing its efforts to encourage dialogue between JEM and the Khartoum government, continuing to believe that political reconciliation between the rebels and the government was one way to end the fighting over Darfur. She stressed that the French had no illusions about the fundamentalist Islamic nature of JEM but that "they're the only game in town." Progress was slow, however, and the intrusion of the ICC issue was not going to help in reconciling the rebels and government. Le Gal noted that JEM seemed to have recovered from its recent attack that nearly reached Khartoum and was now well equipped and had gained new fighters. She thought that a JEM attack could occur at any time, and that its troops' morale was high as a result of the last bold attack and because of the ICC issue, which provided moral cover to Bashir's opponents. She noted that JEM seemed to be gathering in the far north and was therefore not likely to be impeded by the rainy season.

18. (C) COMMENT: The ICC issue has clearly thrown a new and unexpected twist into the already complicated Sudan-Darfur mix of issues. Le Gal expressed resolve that France would continue its efforts to promote reconciliation but she also well understood that the situation could change rapidly and significantly if one side or the other decides on a different course because of the change in dynamics brought on by the ICC intervention. END COMMENT.

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